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SUBJECT: KENYA: ANNAN FOUNDATION CONFERENCE IN GENEVA

Classified By: Ambassador Michael E. Ranneberger for
reaons 1.4 (b) and (d)

FROM THE AMBASSADOR

11. (C) Summary. Kofi Annan used his Annan Foundation to hold a two-day conference in Geneva focused on &The Kenya National Dialogue and Reconciliation: One Year Later,8 which I attended. His purpose was to push implementation of the reforms agreed to by the coalition government in February, 2008, and to energize civil society, the private sector, religious groups, and the media to coordinate more closely to motivate the government to speed up the process. While everyone agrees that implementation of the reform agenda must be driven by Kenyans, Annan emphasized to me and publicly that international pressure on Kenyan actors is vital. There was general agreement at the conference that the reform process is stalling because, having taken some relatively easy steps, the coalition government must now tackle key issues related to the culture of impunity, particularly by holding accountable those involved in the post-election violence and by taking steps against corruption. The vested interests do not want to see fundamental change and are fighting back. There was also general agreement that the window of opportunity is narrow (closing by mid-2010 or earlier), and that concerted pressure by Kenyans and the international community can galvanize the coalition government to move forward. End summary.

12. (C) Kofi Annan, who led the African Eminent Persons mediation process that brought about formation of the coalition government last year, used his Annan Foundation, based in Geneva, to hold a two-day conference on &The Kenya National Dialogue and Reconciliation: One Year Later.8 He told me that -- while the announced purpose was to garner &lessons learned8 from the Kenya mediation process) the equally if not more important purpose was to keep Kenyan actors and the international community focused on the implementation of the reform agenda to which the coalition government had committed itself.

13. (C) I met with Annan before the conference started to compare notes on the situation in Kenya. The discussion confirmed we share the view that, while the coalition government took some significant steps during its first 8 months (as previously reported), the implementation process has dramatically slowed now that the coalition government is faced with the need to take action on the core issues--and against influential vested interests, many of whom are members of the ruling elite and even of the coalition government--related to the culture of impunity: holding

accountable those responsible for post-election violence, and taking steps against corruption. Annan believes, and I agree, that coordinated Kenyan domestic pressure (which he, we, and others are encouraging) and complementary international pressure are essential to motivate the coalition government to move forward on these difficult issues, and thus to commence the process by putting into place the policies and institutions that will result in fundamental change.

¶4. (C) Annan told me that he met with the civil society representatives to the conference, and they admitted they are not working in a coordinated manner to pressure the government for implementation of the reform agenda. Annan also invited experts from the International Criminal Court to participate in the conference, and they met with the civil society activists to explain how the ICC works in order to convince the activists that it is preferable to set up a credible Special Tribunal in Kenya. Annan is urging civil society groups to coordinate more closely, just as they did in responding to the early 2008 crisis. He again emphasized the importance of U.S. leadership, working with him and civil society (as well as the private sector, media, and religious groups), in pressing for full implementation of the reform agenda by the coalition government. We agreed that the reform process must be driven by Kenyans, but with strong support from him, the U.S., and others in the international community. &There needs to be a sense of urgency and concerted message coming from the conference,8 Annan said.

¶5. (C) I encouraged Annan to return to Kenya soon to push the process, and he said he planned to do so, but has yet not set specific dates. He made clear that he intends to remain fully engaged.

¶6. (C) Annan opened the conference by laying out his views. He emphasized that formation of the coalition government was the only viable way to end the crisis. &More would have died,8 he said, had there been insistence on a recount of the vote or a new election (a representative of the Kriegler Commission again pointed out that it had proved impossible to determine who had actually won the election). The coalition agreement, Annan said, &put in place a framework for far-reaching reform that will bring about fundamental change.8 However, he went on, &the Kenyan people are highly impatient for implementation of the reforms. Momentum has slowed, but the situation is not hopeless.8 The Kenyan people, Annan said, want to see &clear results and real change.8 &Some progress has been made, but most of the hard work remains to be done. People are frustrated and disillusioned because everyone knows what needs to be done, and people interpret lack of action as lack of political will.8 &Kenya is at a crossroads,8 Annan said. Annan also dismissed any speculation that the coalition agreement would be opened to renegotiation.

¶7. (C) Annan crafted his guest list to ensure that the conference would provide a forum for frank discussion and would help galvanize Kenyan civil society, the private sector, religious groups, and the media to develop a concerted approach to pressure the government to implement fully the reform agenda (just as they coalesced to press for a political solution to end the crisis last year). Annan invited President Kibaki and Prime Minister Odinga but did not really expect them to attend. The coalition government was instead represented by members of the so-called "Serena Group" who were charged by the Party of National Unity (Kibaki) and Orange Democratic Movement (Odinga) to negotiate the February 28, 2008 coalition agreement that was concluded through Annan's mediation. The PNU side was represented by Foreign Minister Wetangula and Minister of Justice Karua, while ODM was represented by Deputy Prime Minister Mudavadi, Minister of Higher Education Sally Kosgei, and Minister of Lands Orengo. The 200 conference participants also included dozens of civil society activists, representatives of the private sector, senior media figures, and religious leaders. I was joined by several diplomatic colleagues from Nairobi, and Annan also invited a number of eminent international

personalities and UN officials.

18. (C) Highlights from the conference discussions included:

-- The PNU and ODM representatives insisted on recapping their versions of what triggered the crisis, but on the reform process they were uniformly defensive, pointing fingers at others for the lack of greater progress. Although none of them took responsibility, all of them did acknowledge that the process of reform has slowed significantly. &This is a moment of reflection,8 Martha Karua said, &and I appeal to all pro-reform forces to push the agenda. The sole purpose of the coalition government was to push fundamental reform. Kenyans must take responsibility. Political will can be generated by the Kenyan people through civil society.8

-- Nobel Prize winner Wangari Mathai echoed a number of civil society speakers when she said that &something serious (i.e. bad) is cooking in Kenya and we must do something about it.8

In essence, she was referring to popular frustration over lack of progress coupled with continued ethnic tension. Several speakers talked about the danger posed by entrenched ethnic attitudes, and pointed out that some communities are stockpiling weapons in anticipation of ethnic conflict which would be far worse and take place in connection with the 2012 elections or before if there is no serious reform.

-- Along with this, other civil society speakers highlighted increased pressure on human rights activists, with some having to go into hiding. At the same time, they agreed that this is happening because the vested interests which do not want to see fundamental change are &fighting back8 to protect the status quo, in part through the police and state security institutions. &The structure of impunity is fighting back,8 one said.

-- All civil society activists, private sector representatives, and religious leaders agreed that they must work in a much more coordinated manner if they are going to pressure successfully the coalition government to implement the reform agenda. Many cited the model of how they had come together during the crisis.

-- There was also widespread sentiment that the coalition government &should not hide behind sovereignty8 to protect the status quo. In short, civil society activists said that Annan,s continued involvement and continued strong engagement by the U.S. and international community are crucial to support the Kenyan people,s insistence that the reform agenda move ahead. The coalition government representatives agreed that the international community must play a role.

-- One Kenyan speaker referred to "the moral and political decay" unmasked particularly by the Waki Commission report on post-election violence. Another speaker expressed the view that, because expectations were so high following the coalition agreement, Kenyans will feel &a sense of hopelessness as never before" if the promised reforms are not implemented. "Even the modest gains made so far are in danger of being reversed," Justice Waki commented.

-- Virtually everyone agreed on the need to prioritize what must be done: meaningful constitutional reform and establishment of a truly independent electoral commission above all, but also: holding accountable those involved in post-election violence; action against corruption (read: prosecutions and trials); police reform; and judicial reform.

Speakers pointed out that constitutional reform is not a panacea to fix Kenya,s problems, but it will help if steps are taken to end the &imperial presidency,8 to establish a credible electoral process, and to bring about devolution of authority to the local level, thus putting in place the framework to end Kenya,s history of an intensely centralized and rent-seeking political system.

-- There was broad agreement that the window of opportunity to bring about key reforms (that is, to tackle the culture of

impunity) is narrow and will close by mid-2010 or even earlier.

19. (C) Annan was present throughout the two days and left no doubt about his determination to see the commitments on reform made by the coalition government carried out. He was firm, focused, and intensively engaged. The conference will, I believe, energize civil society, the private sector, religious groups, and the media to coordinate more closely to push for speedy implementation of the reform agenda. As we have reported, we are continuing our complementary efforts to energize these sectors. There are indications that the efforts Annan has been making, and our own efforts, are starting to yield results. Civil society groups are now focusing on how they can improve coordination by working through umbrella groups as was done during the crisis; the private sector has already spoken frankly with Kibaki and Odinga and is developing a scorecard on the coalition government's performance on implementing reforms; key players in the media at our urging are exploring a possible coordinated push (like their 'save our beloved country' campaign last year); and religious groups are also focused on the need to develop a more concerted message. We will report as these efforts develop, and I will continue to coordinate closely with Annan.

RANNEBERGER